

U.S. v. Khemall Jokhoo

4. At all times relevant to this indictment, Defendant resided in the State of Minnesota.

5. At all times relevant to this indictment, the following financial institutions did business in the State of Minnesota and elsewhere and held deposits insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund:

- a. Bank of America;
- b. Capital One Bank;
- c. Commerce Bank;
- d. Discover Bank;
- e. HSBC Bank U.S.A.;
- f. U.S. Bank; and,
- g. Wescom Federal Credit Union

(hereinafter referred to as the "Financial Institutions").

6. At all times relevant to this indictment, Lending Club was a peer-to-peer lending company, headquartered in San Francisco, California, doing business online throughout the United States. Lending Club operates a website where borrowers can create loan listings by supplying details about themselves and the loans they would like to request. Investors can search and browse the loan listings on Lending Club's website and select loans to invest in based on the information supplied by the borrower.

U.S. v. Khemall Jokhoo

SCHEME AND ARTIFICE TO DEFRAUD

7. From at least in or about March 2009, continuing until at least in or about January 2012, Defendant executed a scheme and artifice to defraud individuals and financial institutions.

8. Defendant devised and carried out a scheme to obtain money from individuals and financial institutions by using the means of identifications of real persons to obtain credit and account information via tools specifically available to debt collectors. As part of Defendant's scheme to fraudulently obtain money, he would then use that information to harass the individual victims and impersonate those victims in direct communications with the Financial Institutions.

9. The purpose of Defendant's scheme and artifice to defraud was to utilize the information he obtained about the individual victims to fraudulently represent himself as those individuals to financial institutions and individual investors to solicit and obtain money.

MANNER AND MEANS

10. The manner and means of the scheme and artifice to defraud included, among other things:

a. Defendant, utilizing the various resources available to debt collectors, gathered information regarding the victims, including dates of birth, social security numbers, credit card and

U.S. v. Khemall Jokhoo

bank account information, addresses, employment information, and information regarding assets.

b. Defendant contacted victims and made misrepresentations regarding alleged past due debts the Defendant was attempting to collect and the potential consequences the victims would face if they failed to pay money to the Defendant.

c. In an attempt to induce payment to the Defendant by the victims, Defendant at times engaged in a pattern of harassing behavior, placing multiple calls to the victims at unreasonable hours of the day, making threats against the victims, and contacting the victims' family members, employers, and places of business.

d. Defendant, fraudulently and falsely posing as the victims, contacted the Financial Institutions to fraudulently access victims' account information and engage in fraudulent financial transactions.

e. Defendant, using the means of identification of one victim without lawful authority, completed an online loan application with Lending Club in an attempt to obtain money from individual investors.

f. Defendant used and caused the use of the United States mails, commercial interstate carriers, and interstate wires to defraud individuals and the Financial Institutions.

U.S. v. Khemall Jokhoo

COUNTS 1-11
(Bank Fraud)

11. The grand jury incorporates paragraphs 1 through 9 as if fully set forth herein.

12. On or about the dates set forth below, in the State and District of Minnesota, the Defendant,

KHEMALL JOKHOO,
a/k/a Kenny Jokhoo,
a/k/a Kevin Smith,
a/k/a Kevin Day,
a/k/a Mike Lee,

having devised the aforementioned scheme and artifice to defraud the Financial Institutions, and to obtain the moneys and funds owned by and under the custody and control of the Financial Institutions, by means of materially false and fraudulent pretenses, representations, and promises, as described above, did knowingly execute and attempt to execute the scheme and artifice as follows:

Count	Date (on or about)	Financial Institution	Amount	Description
1	4/8/2009	U.S. Bank	\$5,166.77	Caused, by falsely representing himself as victim K.D., the issuance of cash advance check for \$5,166.77 from U.S. Bank credit card account ending #4779 belonging to K.D.

U.S. v. Khemall Jokhoo

2	5/12/2009	Discover	\$3,900.00	Caused, by falsely representing himself as victim J.D., the issuance of cash advance check for \$3,900.00 from Discover credit card account ending #1852 belonging to J.D.
3	6/2/2009	Capital One	\$3,900.00	Caused, by falsely representing himself as victim C.W.B., the issuance of cash advance check for \$3,900.00 from Capital One credit card account ending #1314 belonging to C.W.B.
4	6/19/2009	Capital One	\$2,200.00	Caused, by falsely representing himself as victim M.G., the issuance of cash advance check for \$2,200.00 from Capital One credit card account ending #9772 belonging to M.G.
5	6/29/2009	Bank of America	\$10,000.00	Caused, by falsely representing himself as victim M.G., the issuance of cash advance check for \$10,000.00 from Bank of America credit card account ending #3120 belonging to M.G.
6	6/29/2009	Bank of America	\$3,500.00	Attempted to cause, by falsely representing himself as victim M.G., the issuance of cash advance check for \$3,500.00 from Bank of America credit card account ending #0339 belonging to M.G.

U.S. v. Khemall Jokhoo

7	7/1/2009	HSBC	\$40,000.00	Caused, by falsely representing himself as victim E.G., the issuance of cash advance check for \$40,000.00 from HSBC household finance credit account ending #7841 belonging to E.G.
8	7/15/2009	Commerce Bank	\$2,500.00	Caused, by falsely representing himself as victim L.M., the issuance of cash advance check for \$2,500.00 from Commerce Bank credit card account ending #3898 belonging to L.M.
9	7/17/2009	HSBC	\$5,000.00	Caused, by falsely representing himself as victim E.G., the issuance of cash advance check for \$5,000.000 from HSBC household finance credit account ending #7841 belonging to E.G.
10	8/14/2009	Commerce Bank	\$9,886.58	Caused, by falsely representing himself as victim L.M., the issuance of cash advance check for \$9,886.58 from Commerce Bank credit card account ending #5065 belonging to L.M.
11	9/24/2010	Wescom Federal Credit Union	\$8,500.00	Caused, by falsely representing himself as victim G.K., the issuance of cash advance check for \$8,500.00 from Wescom Federal Credit Union credit card account ending #5737 belonging to G.K.

U.S. v. Khemall Jokhoo

13. All in violation of Title 18, United States Code, Section 1344.

COUNTS 12-20
(Mail Fraud)

14. The grand jury incorporates paragraphs 1 through 9 as if fully set forth herein.

15. On or about the dates set forth below, in the State and District of Minnesota, the Defendant,

KHEMALL JOKHOO,
a/k/a Kenny Jokhoo,
a/k/a Kevin Smith,
a/k/a Kevin Day,
a/k/a Mike Lee,

having devised the aforementioned scheme and artifice to defraud and to obtain the money and property, by means of materially false and fraudulent pretenses, representations and promises, as described above, did knowingly cause to be sent, delivered, and moved by the United States Postal Service and commercial interstate carrier, according to the directions thereon, the items described below:

U.S. v. Khemall Jokhoo

Count	Date (on or about)	Mailings
12	4/10/2009	Caused the mailing of a cash advance check from U.S. Bank credit card account ending #4779 belonging to victim K.D., dated April 10, 2009, for \$5,166.77, payable to First Financial, which was mailed to Lonsdale, Minnesota.
13	5/16/2009	Caused the mailing of a cash advance check from Discover credit card account ending #1852 belonging to victim J.D., dated May 16, 2009, for \$3,900.00, which was mailed to First Financial Attn Payment, in Lonsdale, Minnesota.
14	6/3/2009	Caused the mailing of a cash advance check from Capital One credit card account ending #1314 belonging to victim C.W.B., dated June 3, 2009, for \$3,900, which was mailed to First Financial Services, Inc., in Lonsdale, Minnesota.
15	6/20/2009	Caused the mailing of a cash advance check from Capital One credit card account ending #9772 belonging to victim M.G., dated June 20, 2009, for \$2,200.00, which was mailed to First Financial, in Lonsdale, Minnesota.
16	7/2/2009	Caused the mailing of a cash advance check from HSBC household finance credit account ending #7841 belonging to victim E.G., dated July 2, 2009, for \$40,000.00, which was mailed to E.G./M.G., in Lonsdale, Minnesota.
17	7/16/2009	Caused the mailing of a cash advance check from Commerce bank account ending #3898 belonging to victim L.M., dated July 16, 2009, for \$2,500.00, which was mailed to First Financial.

U.S. v. Khemall Jokhoo

18	7/23/2009	Caused the mailing of a cash advance check from HSBC household finance credit account ending #7841 belonging to victim E.G., dated July 23, 2009, for \$5,000.00, which was mailed to Lonsdale, MN.
19	8/17/2009	Caused the mailing of a cash advance check from Commerce bank credit card account ending #5065 belonging to victim L.M., dated August 17, 2009, for \$9,886.58, which was mailed to First Financial Payment P.
20	9/27/2010	Caused the mailing of a cash advance check from Wescom Credit Union credit card account ending #5737 belonging to victim G.K., dated September 27, 2010, for \$8,500.00, which was mailed to 1st Financial, in Burnsville, Minnesota.

16. All in violation of Title 18, United States Code, Section 1341.

COUNTS 21-23
(Wire Fraud)

17. The grand jury incorporates paragraphs 1 through 9 as if fully set forth herein.

18. On or about the date set forth below, in the State and District of Minnesota and elsewhere, the Defendant,

KHEMALL JOKHOO,
a/k/a Kenny Jokhoo,
a/k/a Kevin Smith,
a/k/a Kevin Day,
a/k/a Mike Lee,

having devised the aforementioned scheme and artifice to defraud and to obtain the money and property, by means of materially false and fraudulent pretenses, representations and promises, as

U.S. v. Khemall Jokhoo

described above, did execute and attempt to execute the scheme and artifice, by transmitting and causing to be transmitted by means of wire communications in interstate commerce, certain writings, signs, signals and sounds, as follows:

Count	Date (on or about)	Wire
21	6/16/2009	Caused the transmission of the electronic check request sent to AMG Secure Pay via interstate electronic wire communication from Minnesota to Illinois to obtain an electronic check for \$5,166.77 from the U.S. Bank account ending #5586, which belonged to victim K.D.
22	1/19/2010	Caused the transmission of the loan application submitted to Lending Club using the means of identification of victim W.D. via interstate wire from Minnesota to Nevada to obtain \$19,500.00 from individual investors.
23	1/13/2012	Caused a wire communication from Minnesota to California attempting to obtain, by falsely representing himself as victim G.K., a cash advance check from Wescom Credit Union credit card account ending #8624, which belonged to G.K.

19. All in violation of Title 18, United States Code, Section 1343.

COUNTS 24-34

(Aggravated Identity Theft)

20. On or about the dates set forth below, in the State and District of Minnesota, the Defendant,

U.S. v. Khemall Jokhoo

KHEMALL JOKHOO,
a/k/a Kenny Jokhoo,
a/k/a Kevin Smith,
a/k/a Kevin Day,
a/k/a Mike Lee,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, as alleged in each count below, during and in relation to the commission of a felony violation enumerated in Title 18, United States Code, Section 1028A(c), specifically, Bank Fraud, Mail Fraud and Wire Fraud:

Count	Date (on or about)	Description
24	4/8/2009	Unlawfully used a means of identification, specifically the name, of victim K.D., during and in relation to commission of bank fraud, as alleged in Count 1.
25	6/2/2009	Unlawfully used a means of identification, specifically the name, of victim C.W.B., during and in relation to commission of bank fraud, as alleged in Count 3.
26	6/19/2009	Unlawfully used a means of identification, specifically the name, of victim M.G., during and in relation to the commission of bank fraud, as alleged in Count 4.
27	6/29/2009	Unlawfully used a means of identification, specifically the name, of victim M.G., during and in relation to the commission of bank fraud, as alleged in Count 6.
28	7/1/2009	Unlawfully used a means of identification, specifically the name, of victim E.G., during and in relation to the commission of bank fraud, as alleged in Count 7.

U.S. v. Khemall Jokhoo

29	7/15/2009	Unlawfully used a means of identification, specifically the name, of victim L.M., during and in relation to the commission of bank fraud, as alleged in Count 8.
30	7/17/2009	Unlawfully used a means of identification, specifically the name, of victim E.G., during and in relation to the commission of bank fraud, as alleged in Count 9.
31	8/14/2009	Unlawfully used a means of identification, specifically the name, of victim L.M., during and in relation to the commission of bank fraud, as alleged in Count 10.
32	1/19/2010	Unlawfully used a means of identification, specifically the name, social security number, and date of birth, of victim W.D., during and in relation to the commission of wire fraud, as alleged in Count 22.
33	9/24/2010	Unlawfully used a means of identification, specifically the name and social security number, of victim G.K., during and in relation to the commission of bank fraud, as alleged in Count 11.
34	1/13/2012	Unlawfully used a means of identification, specifically the name and social security number, of victim G.K., during and in relation to the commission of wire fraud, as alleged in Count 23.

21. All in violation of Title 18, United States Code, Section 1028A.

COUNT 35

(False Personation of an Officer or Employee of the United States)

22. On or about March 19, 2009, in the State and District of Minnesota, the Defendant,

U.S. v. Khemall Jokhoo

KHEMALL JOKHOO,
a/k/a Kenny Jokhoo,
a/k/a Kevin Smith,
a/k/a Kevin Day,
a/k/a Mike Lee,

did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is a "Federal Arbitrator," and in such assumed and pretended character did act as such, in that he falsely stated that he was a Federal Arbitrator presiding over a case involving victim Q.S., demanded the name of Q.S.'s employer, demanded that Q.S. return his call and threatened that if Q.S. failed to return his call he would issue a warrant for Q.S.'s arrest and would name Q.S.'s employer in the warrant, all in violation of Title 18, United States Code, Section 912.

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON